

From: [Quinones, Edwin](#)  
To: [rector.jack@dol.gov](mailto:rector.jack@dol.gov)  
Cc: [Moore, Gary](#)  
Subject: FW: West Fertilizer Company Investigation  
Date: Tuesday, April 23, 2013 2:16:24 PM  
Attachments: [Evidence and Site Control Agreement.Draft.pdf](#)  
[ATT00001.htm](#)

---

Hi Jack,

Would you happen to have the draft agreement in Word or Wordperfect format? If so, would you please send me the draft in that format? Thanks,

Ed Quinones  
Assistant Regional Counsel  
U.S. EPA Region 6  
1445 Ross Ave.  
Dallas, TX 75202  
214-665-8035

---

From: Moore, Gary  
Sent: Monday, April 22, 2013 12:45 PM  
To: Quinones, Edwin  
Cc: Webster, Susan; Hayes, Mark; Delgado, Paige  
Subject: FW: West Fertilizer Company Investigation

**Ed:**

**Could you please review this Evidence and Site Control Agreement prepared by OSHA for the group. This issue is how to preserve evidence and site control so that actions taken by the various agencies do not impact the evidence on the site.**

**I do not necessarily think that we will be doing any evidence collection activities but may need to collect on-site samples. It appears that TCEQ wants the lead on the cleanup activities on the site should the RP decide not to do such actions. They intend on issuing a demand letter to the owner very soon.**

**Please review this agreement with our managers and make whatever modifications need to be made to this agreement for us to be a party if we determine that we may take some actions on the site.**

**Thanks**

**Gary Moore**  
Federal On-Scene Coordinator  
U.S. EPA Region 6  
214-789-1627 cell  
214-665-6609 office  
[moore.gary@epa.gov](mailto:moore.gary@epa.gov)



9433290

---

From: Rector, Jack - OSHA [Rector.Jack@dol.gov]  
Sent: Sunday, April 21, 2013 3:34 PM  
To: Delgado, Paige; [kelly.crunk@tceq.texas.gov](mailto:kelly.crunk@tceq.texas.gov); [don.holmstrom@csb.gov](mailto:don.holmstrom@csb.gov); Moore, Gary;  
[cheryl.mackenzie@csb.gov](mailto:cheryl.mackenzie@csb.gov)  
Subject: Fwd: West Fertilizer Company Investigation

All,

Attached is a working draft of an evidence and site control agreement for this matter. It is modeled after some others OSHA has used in prior cases, however, we will need to come up with some more precise definitional items, e.g., the exclusion zone in paragraph A.1.a and/or paragraph C.8.a (dealing with steps for evidence collection removal steps that are specific to this situation). Please look it over and let me know what changes, additions, etc. everyone would like to see. I will compile those into one agreement and send out for everyone's approval. Thanks...

Jack Rector

Sent from my iPad

Begin forwarded message:

# **TARGET SHEET**

**SITE NAME:** WEST FERTILIZER EXPLOSION

**CERCLIS I.D.:** TXN000607522

**TITLE OF DOC.:** [ATT00001.HTM]

**DATE OF DOC.:** 1/1/1111

**NO. OF PGS. THIS TARGET SHEET REPLACES:** N/A

**SDMS** 9433290 **KEYWORD:**

**CONFIDENTIAL ?** ☐ **MISSING PAGES ?** ☐

**ALTERN. MEDIA ?** ☒ **CROSS REFERENCE ?** ☒

**LAB DOCUMENT ?**  **LAB NAME:**

**ASC./BOX #:** ☐

**CASE #:**  **SDG #:**

**COMMENTS :** THIS ATTACHMENT IS OF AN UNKNOWN OR UNSUPPORTED  
FORMAT AND IS NOT VIEWABLE AT THIS TIME